IN THE UNITED STATES PATENT AND TRADEMARK OFF

In re application of:

FIKES et al.

Appl. No. 09/458,299

Filed: December 10, 1999

For: Inducing Cellular Immune

Responses to HER2/neu Using Peptide and Nucleic Acid

Compositions

Confirmation No. 8698

Art Unit: 1644

Examiner: Schwadron, R.B.

Atty. Docket: 2060.0140000/EKS/HCC/M-M

Information Disclosure Statement

Commissioner for Patents Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each of these documents is provided.

In accordance with 37 C.F.R. 1.98(a)(3), Applicants' undersigned representative submits the following concise explanation of the relevance of the non-English language documents, Document Nos. AM1, AP1, and AN2 cited on form PTO 1449:

Document AM1, EP 0 226 513 is in the French language. It is believed that AM1 discloses HIV peptide derivatives. An English language abstract of document AM1 is attached as Document AS25;

Document AP1, WO 92/21033 is in the German language. It is believed that AP1 discloses peptides which bind MHC class I and class II molecules. An English language

abstract of document AP1 is located on page one of the document and another English language abstract is attached as Document AT25;

Document AN2, WO 94/11738 is in the German language. It is believed that AN2 discloses peptides which bind MHC class I and class II molecules. An English language abstract of document AN2 is located on page one of the document and another English language abstract is attached as Document AR26.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).



This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

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Helene C. Carlson

Agent for Applicants

Registration No. 47,473

Date: 3/21/03

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	AR	<u>11</u>	Jameson, S (MHC) and and an ass	C., and Bevan T cell receptoressment of the	n, or	M.J., "Dissection of majo contact residues in a K ^b - predictive power of MHC-bi CH Verlagsgesellschaft mbH	r h rest	istoco ricteo ng mot	d ovalbumi ifs," <i>Eur</i>	n peptide
	AS	<u>11</u>	Jardetzky, B27," <i>Nat</i> u	T.S., et al. ere 353:326-32	, ' 9,	"Identification of self pe Macmillan Publishers, Ltd	eptio	des bo 1991)	und to pu	rified HLA-
	AT	11	Virus Type	I Recognized	by	get Epitope in the Tax Pro y Class I Major Histocompa -2933, American Society fo	tib:	ility	Complex-Re	estricted
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	AS	13	recogniti	on by H-2-rest	., "Synthetic pepti tricted cytolytic T ller University Pre	cells spec:	gens a ific f	nd compet	itors in J. Exp. Med.	
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ATTY. DOCKET NO. APPLICATION NO. 2060.0140000/EKS/HCC/M-M 09/458,299 FORM PTO-1449 APPLICANT FIKES et al. INFORMATION DISCLOSURE STATEMENT FILING DATE GROUP December 10, 1999 1644 U.S. PATENT DOCUMENTS EXAMINER INITIAL DOCUMENT DATE NAME CLASS SUB-FILING DATE NUMBER CLASS AΑ AB AC ΑD ΑE AF AG ΑH ΑI АJ ΑK FOREIGN PATENT DOCUMENTS EXAMINER INITIAL DOCUMENT DATE COUNTRY CLASS SUB-TRANSLATION NUMBER CLASS Yes ALNo Yes ΑM No Yes AN No Yes AO No Yes ΑP No OTHER (Including Author, Title, Date, Pertinent Pages, etc.) Morrison, J., et al., "Identification of the nonamer peptide from influenza A matrix protein and the role of pockets of HLA-A2 in its recognition by cytotoxic T lymphocytes," Eur. J. Immunol. 22:903-907, VCH Verlagsgesellschaft mbH (April AR <u>14</u> Niedermann, G., et al., "The proteolytic fragments generated by vertebrate proteosomes: Structural relationships to major histocompatibility complex class I AS <u>14</u> binding peptides, " Proc. Natl. Acad. Sci. USA 93:8572-8577, National Academy Press (August 1996) Ochoa-Garay, J., et al., "The ability of peptides to induce cytotoxic T cells invitro does not strongly correlate with their affinity for the $H-2L^d$ molecule: AT 14 implications for vaccine design and immunotherapy," Mol. Immunol. 34:273-281, Elsevier Science, Ltd. (February 1997) EXAMINER DATE CONSIDERED **EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. line through citation if not in conformance and not considered. Include copy of this form with next

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	AS	<u>15</u>	Parham, P 143:141-18	., et <i>al</i> ., "T 30, Munksgaar	he Origins of HLA-A, d (February 1995)	B,C Polymorp	ohism,"	Immunol.	. Rev.
	AT	<u>15</u>	Escherich:	ia coli," J.	"Peptide Binding to F Biol. Chem. 267:5451- ular Biology, Inc. (N	-5459. Ameri	ILA-B27 .can So	Isolated	1 from
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	AS	<u>16</u>	Rammense Molecule	e, HG., et s," Annu. Rev	al., "Pept . Immunol.	ides Naturall 11:213-244,	ly Presen Annual F	nted by Reviews,	MHC Clas: Inc. (Ja	s I anuary 1993)
	AT	16	Rammense Immunoge	e, HG., et netics 41:178	<i>al.,</i> "MHC -228, Spri	ligands and p	peptide m (February	notifs: / 1995)	first li	sting,"
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	AS	<u>17</u>	Romero, P	., et al., "H- . Exp. Med. 17	-2K ^d -restricted Antigenic Pe 74:603-612, Rockefeller Univ	ptides Sh ersity Pr	are a Simp cess (1991)	le Binding
	AT	<u>17</u>	Rothbard, Opin. Imm	J.B., "Major unol. 2:99-105	histocompatibility complex- 5, Current Biology, Ltd. (19	-peptide i 989)	interaction	ns," <i>Curr</i> .
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	АT	18	the MHC cl	lass-I-restric	, K., "Naturally-occurri ted processing pathway," hers, Ltd. (1991)	ng pept 'Immuno	ide ar	ntigens d day 12:44	erived from 7-455,
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	AS	22	Shimojo, N	Shimojo, N., et al., "Specificity of peptide binding by the HLA-A2.1 molecule J. Immunol. 143:2939-2947, The American Association of Immunologists (1989)							
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